

REMARKS

The specification has been amended to correct minor clerical errors. The abstract has been amended to better conform to US practice.

The claims have been amended to better define the claimed invention and better distinguish the claimed invention from the prior art. New claims 13-17 have been added to further scope the invention.

It is noted the Examiner has limited examination to claims 1-6. It is respectfully requested that the non-elected claims be maintained in this application, without further action, for possible rejoinder and/or for filing of a divisional application.

The art rejection is respectfully traversed. The primary reference Salamon et al. is discussed in Applicants' specification. (See paragraph [43].) As noted therein, Salamon et al. requires disassembly of the apparatus for manual application of a membrane solution. Applicants' claimed invention permits automated membrane formation and including also washing and extraction of wash fluids, etc. from the well, by providing a support block in contact with the rear surface of the optical element, and forming a sample well in the support block, with a passageway in the lower portion of the support block which can be used as a drain. Neither Salamon et al. nor Molloy nor any of the other art of record teaches or suggests this construction or the advantages thereof including, e.g. the ability to operate without disassembly of the apparatus. Thus, claim 1 and the several claims which are directly or indirectly dependent thereon including new claims 13-17 cannot be said to be obvious from the art.

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With regard to the Examiner's use of Official Notice, while it is believed that claims 2 and 6 are allowable over the art due to their dependency on claim 1, Applicants also note that the Examiner has failed to show the use of actuators in combination with a processor and a syringe or syringe type fluid dispenser is known in the analytical art to which the instant invention is directed. Accordingly, it is incumbent upon the Examiner to show that such statements are in fact well known or based on the Examiner's personal knowledge.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

Enclosed is Form PTO-2038 in the amount of \$60.00 to cover the cost of The Petition for a One-Month Extension of Time

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,

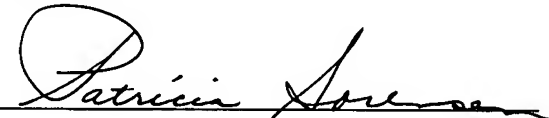


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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By 

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